

Message

---

**From:** Fordham, Tami [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=347C9FF04ED340568194C316FD05FA18-FORDHAM, TAMI]  
**Sent:** 7/23/2021 11:26:48 PM  
**To:** Pokon, Emma K (DEC) [emma.pokon@alaska.gov]  
**CC:** Brune, Jason W (DEC) [jason.brune@alaska.gov]  
**Subject:** RE: 404 assumption rulemaking and funding

Emma,  
I understand that ADEC could apply in Winter/Spring 22, my apologies for not catching this funding opportunity in time for ADEC to consider applying this year.

Truly,

Tami

-----Original Message-----

From: Pokon, Emma K (DEC) <emma.pokon@alaska.gov>  
Sent: Friday, July 23, 2021 2:07 PM  
To: Fordham, Tami <Fordham.Tami@epa.gov>  
Cc: Brune, Jason W (DEC) <jason.brune@alaska.gov>  
Subject: RE: 404 assumption rulemaking and funding

Tami,

Based on the link you shared today, it looks like the deadline for states to apply for these funds was June 28 and that R10 only distributes these grants every two years.

Is that correct?

Emma Pokon  
Deputy Commissioner  
Alaska Department of Environmental Conservation  
(907) 465-5066

-----Original Message-----

From: Brune, Jason W (DEC)  
Sent: Wednesday, June 9, 2021 10:20 PM  
To: Tami Fordham <Fordham.Tami@epa.gov>; Pirzadeh.Michelle@epa.gov  
Cc: Pokon, Emma K (DEC) <emma.pokon@alaska.gov>  
Subject: 404 assumption rulemaking and funding

Good evening and great to meet with you this morning despite the technical difficulties. ;)

During today's state WOTUS briefing, Radhika Fox referred a question about 404 assumption to OWOW Director John Goodin. His statement follows,

"The approach of states assuming the section 404 program under the Clean Water Act is still something that the agency is very much interested in helping those states that are interested in taking on that responsibility. The agency is working on a rulemaking and other tools to help facilitate that and with respect to financial support the agency provides upwards of \$15 million a year to help develop the programs of states and tribes that are interested in that. We are quite good at getting the money out that is allocated to us by Congress and we fully anticipate that this year will be no exception to supporting states and tribes that have that interest."

Given the statement, I have a few questions. Specifically, what is the process for us to apply for some of the annual \$15 million in funding that goes to states and tribes for those considering 404 assumption and what are the sideboards on its use? Secondly, when will the 404 assumption rulemaking he referenced be coming out and what are the other tools he referred to? Given the lack of communication/collaboration that your own team has expressed with the Corps of Engineers (and we concur that it is less than ideal these days), I sure hope those other tools will include getting the Corps on board with this message of supporting states who are considering such an effort. When we referenced we were interested in pursuing primacy to the Corps recently, the response we got was an immediate effort to put up roadblocks, (eg stating the consultation with Alaska tribes we would have to conduct would be too much of a burden to overcome and that the recent efforts from Florida would not be applicable to Alaska (I disagree on both counts). We let them know that in our recent discussions with the EPA that you were very supportive of our efforts to look into it.

Thanks as always for your help.

Jason